



## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

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**REDEVELOPMENT AGENCY**

Dennis Kennedy, Mayor  
Larry Carr, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Greg Sellers, Council Member  
Steve Tate, Council Member

**COUNCIL MEMBERS**

Dennis Kennedy, Chair  
Hedy L. Chang, Vice-Chair  
Larry Carr, Agency Member  
Greg Sellers, Agency Member  
Steve Tate, Agency Member

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**WEDNESDAY, SEPTEMBER 25, 2002**

**AGENDA**

**JOINT MEETING**

**REDEVELOPMENT AGENCY SPECIAL AND REGULAR MEETING**

**and**

**CITY COUNCIL SPECIAL MEETING**

**6:30 P.M.**

***A Special Meeting Is Called at 6:30 P.M. for the Purpose of  
Conducting Closed Sessions.***

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**Dennis Kennedy, Chairman/Mayor**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**6:30 P.M.**

## ***City Council Action and Redevelopment Agency Action***

### **CLOSED SESSION:**

#### **1.**

##### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

#### **2.**

##### **CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:**

##### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of  
Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner,  
special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Ninth Circuit Court of Appeal No. 02-15693

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

#### **3.**

##### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority: Government Code section 54956.9

Case Name: Ameron International Corporation v. City of Morgan Hill et al.

Case Number: Santa Clara County Superior Court; Case No. CV 772368

Attendees: City Council, City Manager, Public Works Director, City Attorney, Special  
Counsel Mark Strombotne

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **PROCLAMATIONS**

Arts Day in California

*Wes Rolley*

### **COMMENDATIONS**

Chris Bertaccini, Juan Longoria, James Holder

**OTHER REPORTS**

Finance and Audit Committee Report  
*City Treasurer Mike Roorda*

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**  
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE DEPUTY CITY CLERK.**  
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY  
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***Redevelopment Agency Action***

**CONSENT CALENDAR:**

**ITEMS 1 - 2**                      The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

- |    |  |
|----|--|
| 1) | <b><u>AGREEMENT WITH THE CHAMBER OF COMMERCE</u></b> ..... 1<br><b>Recommended Action(s): <u>Authorize</u></b> the Executive Director to Prepare and Execute a Contractual Services Agreement with the Morgan Hill Chamber of Commerce in the Amount of \$125,000 for FY 2002/2003, Subject to Agency General Counsel Review and Approval. |
| 2) | <b><u>COMMUNITY PLAYHOUSE FUND-RAISING CONCEPT</u></b> ..... 9<br><b>Recommended Action(s): <u>Approve</u></b> South Valley Civic Theater's Fund-raising Concept to "Sell" Theater Chairs for the Community Playhouse.   |

## ***City Council Action***

### **CONSENT CALENDAR:**

#### **ITEMS 3 - 9**

	<b>Time Estimate</b>		<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>		
3)		<b><u>AUGUST 2002 FINANCE AND INVESTMENT REPORT</u></b> .....	<b>13</b>
		<b><u>Recommended Action(s):</u></b> <u>Accept</u> and <u>File</u> Report.	
4)		<b><u>AMENDMENT TO THE MANAGEMENT RESOLUTION</u></b> .....	<b>25</b>
		<b><u>Recommended Action(s):</u></b> <u>Adopt</u> Resolution No. 5616, Amending the Management, Professional and Confidential Employees Resolution No. 5571 to Delete the Position of Police Captain and Assign a New Job Description and Salary Range for Position of Police Lieutenant.	
5)		<b><u>APPROVE PROCLAMATION FOR RACE EQUALITY WEEK</u></b> .....	<b>35</b>
		<b><u>Recommended Action(s):</u></b> <u>Approve</u> Proclamation Proclaiming September 23-29, 2002 as Race Equality Week.	
6)		<b><u>SURPLUS PROPERTY</u></b> .....	<b>39</b>
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Declare</u></b> the Gazebo Structure Being Constructed for the 2002 Taste of Morgan Hill As Surplus; and	
		2. <b><u>Authorize</u></b> Staff to Sell This Structure At a Silent Auction For a Minimum Bid of \$1,000.	
7)		<b><u>APPROVAL OF "COPS" IN SCHOOLS 2002 GRANT</u></b> .....	<b>41</b>
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Accept</u></b> the COPS in Schools Grant Award of \$125,000 and Appropriate \$114,228 in Matching Funds Over the Three Year Period; and	
		2. <b><u>Authorize</u></b> an Increase in the Number of Sworn Police Officers in the Morgan Hill Police Department from 32 to 33.	
8)		<b><u>FINAL JUNE 2002 FINANCE AND INVESTMENT REPORT</u></b> .....	<b>45</b>
		<b><u>Recommended Action(s):</u></b> <u>Accept</u> and <u>File</u> Report.	

## ***Redevelopment Agency Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
9)	<b>10 Minutes</b>	<b><u>MORGAN HILL DOWNTOWN ASSOCIATION (MHDA) AGREEMENT</u></b> .....	<b>49</b>
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Approve</u></b> the Morgan Hill Downtown Association's First Quarter Report and Annual Work Plan; and	
		2. <b><u>Continue</u></b> to Implement the First Year Funding Agreement in an Amount Not to Exceed \$86,000.	

*Redevelopment Agency and City Council Action*

<u>OTHER BUSINESS:</u>		
	Time Estimate	Page
10)	10 Minutes	<u>REVIEW OF CITY COUNCIL AND REDEVELOPMENT AGENCY NOVEMBER, DECEMBER AND JANUARY MEETING SCHEDULE</u> ..... 79
		<u>Recommended Action(s):</u> City Council and Redevelopment Agency <u>Discussion</u> and <u>Direction</u> Regarding the November, December and January Meeting Schedule.

*City Council Action*

<u>OTHER BUSINESS:</u>		
	Time Estimate	Page
11)	5 Minutes	<u>ECONOMIC DEVELOPMENT SUBCOMMITTEE</u> ..... 85
		<u>Recommended Action(s):</u> <u>Appoint</u> Two Council Members to Serve on the Economic Development Subcommittee.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:  
Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT